O/B.C.S. (C.D & A) Rs/53.

1953.

P H E

File No. 77/53

Legal Dpttt

7 BRANCH

Subject:— Opinions under the B'bay Civil Service (Conduct-Discipline & Appeals) Rules.

O/B.C.S. (C.D & A) Rs/53.

File No. 77/53

Gen. 194 a.

77/53

C O N T E N T S.

Department File No. G./B.C.S.(C.D.& A.) Rs./58(G-77)

No.	R.T/G.No.	Subject.	Pages.
		Opinions under the Bombay Civil Services (Conduct, Discipline & Appeals) Rules.	
	D.No.G-205 21-6-53.	Re: Discharge of a temporary Government servant without giving him any notice, whether the order of discharge is illegal as it was passed without giving a notice.	1-2
	G.No.7-383 8- 6- 53.	1) Whether the service of temporary employees can be terminated without making a formal enquiry as required by the Rules; and 2) If the temporary employees have signed agreements whereby their appointments can be terminated by a month's notice whether their services can be so terminated.	3-8

Office of the A. L. A.

It is true that under the terms of appointment of Shri Malerao as Sessions Keeper he had agreed that the appointment was temporary and was liable to termination at any time without notice. If Shri Malerao was accorded this opportunity to show cause against the proposed action, the District Magistrate's order is liable to challenge as unconstitutional and the proposed action will not appear to be defensible.

Sd/- J.R.D.

Secretary-cum-Legal Affairs.

D.O. to C. & G.D., No. G-295, dated the 21st May 1953.

srd.
10.6.53.
4 Copies.

L.D.R.I.No. 8034,
dt/- 13-4-53.

Submitted.

Please see C.S.D. note dated 8-4-53 at pp.187-9 nate.

2. The papers have been referred to L.D. with a request to give correct ruling on the following questions viz.

(1) Whether the service of temporary employees can be terminated without making a formed enquiry as required by the R.C.S. (C.D. & A) Rules and

(2) if the temporary employees have signed agreements whereby their appointments can be terminated by a month's notice whether their services can be so terminated.

VVK.

LEGAL DEPARTMENT.

In view of the position stated at 'A' in the Civil Supplies Department note at p. 198 ante the first alternative suggested in R.I.A's opinion No. C-660, dated the 15th December 1953 viz. to reinstate Shri Kulkarni in service and then remove him therefrom as a temporary hand after a month's notice would not be available. That opinion will have to be modified to that extent.

Sd/- .....

Additional Secretary to Government

D.R. to C.S.D., No. C-303, dated the 25th June 1954.

GSD.
10.8.54.
4 Copies.